REMARKS/ARGUMENTS

Status and Amendment of the Claims

Claims 1-8, 10-21, 33-36, and 41-48 are currently pending. Of these, Claim 1 is amended herein and support can be found in [0037] and Examples 1 and 3. New claims 46-48 are added herein and are supported by [0037], [0060], [0061], Examples 1 and 3, and FIGs. 2 and 10 of the specification. No new matter is added.

Interview

Applicants and their undersigned representative wish to thank Examiner Torres Velazquez for the helpful and courteous telephone interview on March 31, 2009, during which suggestions for addressing the obviousness rejection were discussed with the Examiner.

Withdrawn Rejections

Applicants wish to thank Examiner for her kind consideration of Applicants' September 29, 2008 remarks and withdrawal of the claim objections and 35 U.S.C. §102 paragraph rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-8, 10-14, 16-21, 33-34 and 41 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Le Roy (US 5,475,904) in view of Vuillaume (US 5,396,689). Applicants disagree that the presently claimed subject matter is obvious in light of the references cited by the examiner. Without prejudice and in the interest of expediting prosecution, however, Claim 1 is amended to recite a "nonwoven fabric ... having a permeability sufficient to enable storage of fluids within the voids." This amendment is supported by [0037] and Examples 1 and 3 of the specification.

The present invention is directed to a nonwoven fabric comprising at least two separate but interconnected layers, said fabric comprising hydroentangled and consolidated fibers in each of the layers as well as discrete interconnections so as to provide discrete voids between the two layers of fabric, said fabric having a permeability sufficient to enable storage of fluids within the voids.

Le Roy teaches a composite lap formed by needling or stitching together two or more fibrous laps along longitudinal join lines, generating spaces therebetween. An interleaved constituent can be deposited in these spaces between the basic laps and longitudinal join lines. As those of ordinary skill would appreciate, the composite lap formed with Le Roy's needling technique is inherently unsuitable and

inadequate for the storage of fluids (as presently claimed). The inadequacy of the longitudinal join lines to store fluid is suggested in Le Roy, which states:

> *At least one fluid or one powder which bonds to at least one of the basic laps on leaving the ducts can be injected into the ducts in the ribs. This fluid component may be a thermosetting or thermoforming resin, a plaster, a cement, an elastomer or a foam. The interleaved member may also be selected to be a solid member such as cables, electrical conductors, tubes, bundles of filaments and wires and threads of all kinds.*
>
> *See* col. 2, lines 6-13 of Le Roy

Thus, any fluidic constituent introduced to Le Roy's composite lap must bind to at least one of the laps and be set or cured into a non-fluidic state to stay put. This is in marked contrast to the presently claimed invention, wherein a fluid introduced into the voids can be stored as a fluid. By way of example, fabrics of the present invention may be used as detergent-delivery wipes, amongst other uses. *See* Example 1 at about [0063] of the specification. Le Roy's fabric provides no guidance or teaching on this characteristic of the claimed invention.

Vuillaume likewise does not teach or suggest this element of the claims. What Vuillaume teaches is a process for obtaining a multilayer composite textile of non-woven fibrous sheets and a reinforcing structure therebetween. The constituents are bonded together by entanglement of the fibers in the sheets, preferably through the use of water jets. *See* Abstract and col. 2, lines 34-39 of Vuillaume. As those of ordinary skill in the art would appreciate, the purpose of Vuillaume is to produce a composite textile structure having improved dimensional stability. *See* Col. 2, lines 42-53; col. 4, lines 49-59. Vuillaume does not provide any guidance for obtaining a fabric having "a permeability sufficient to enable storage of fluids within the voids." Furthermore, it would defy logic to select a fluid as a reinforcing material. Aside from the technical challenges involved, modifying Vuillaume such that its product accommodates fluid as an interleaved constituent would negatively impact the dimensional stability of the composite textile structure and render Vuillame unsatisfactory for its intended purpose. In instances where a "proposed modification …render(s) the prior art invention unsatisfactory for its intended purpose, …there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and MPEP 2143.01(V). Furthermore, combination of Le Roy and Vuillaume in the manner proposed in the Office Action would require the entire needling unit in Le Roy to be swapped out for a hydroentanglement unit. Such modification would significantly alter the principle of operation of Le Roy and fail to establish a *prima facie* case of obviousness. *See* MPEP 2143.01(VI). Applicants therefore submit that the presently claimed invention is novel and non-obvious over Le Roy and Vuillaume. Withdrawal of the rejection is therefore respectfully requested.

Claims 15, 35-36 and 42-44 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Le Roy and Vuillaume, and further in view of Suzuki et al. (US 4,377,615). Suzuki is directed to a multi-layer non-woven fabric having layers with different hydrophobicity or hydrophilicity suitable for use in sanitary napkins, disposable diapers, *etc.* and does not cure the above-noted deficiencies in Le Roy and Vuillaume. Therefore, the cited references neither teach nor suggest the presently claimed invention and withdrawal of this rejection is respectfully requested.

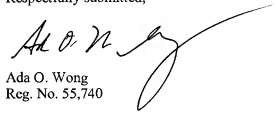
Claim 45 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Le Roy and Vuillaume, and further in view of Towery et al. (WO 88/01570). Towery is focused on providing a water-vapor permeable coating made of polyurethane resin and likewise cannot cure the previously noted deficiencies. As such, the cited references do not teach or suggest the present invention. Withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



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